



THE CITY OF NEW YORK
LAW DEPARTMENT

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NEW YORK, NY 10007

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February 22, 2011

BY ECF

Honorable Sterling Johnson, Jr.
United States District Court
Eastern District
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Duffy et al. v. International Union of Operating Engineers Local 14-14B et al., CV 10-3111

Dear Judge Johnson:

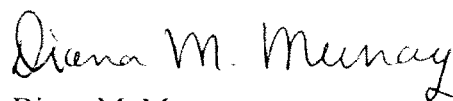
I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendants Robert LiMandri and the New York Department of Buildings ("DOB") in the above-referenced action arising from DOB's initiation of proceedings to revoke plaintiffs' hoist machine operators licenses.

As counsel for plaintiffs previously advised the Court, plaintiffs' licenses have been revoked.

I write to advise the Court that, by order to show cause on February 4, 2011, plaintiffs commenced proceedings in state court challenging the revocation of their machine operators license pursuant to Article 78 of the Civil Practice Law. See copies of the Orders to Show Cause in Gene Panessa v. Robert D. LiMandri, Index No. 101322/11, William Duffy v. Robert D. LiMandri, Index No. 101323/11, and James Mascarella v. Robert D. LiMandri, Index No. 101324/11, submitted herewith. Accordingly, now as when the instant case was

commenced, there are ongoing state proceedings directly related to the claims herein.

Respectfully submitted,

A handwritten signature in black ink that reads "Diana M. Murray". The signature is written in a cursive, flowing style.

Diana M. Murray
Assistant Corporation Counsel

cc. (by ECF): Robert J. LaReddola, Esq.
James M. Steinberg, Esq.
George A. Stamboulidis, Esq.

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FEE PAID

FEB 02 2011

PRESENT:

NEW YORK

COUNTY CLERK'S OFFICE

GENE PANESSA,

Petitioner,

-against-

ROBERT D. LiMANDRI as the Commissioner of
the New York City Department of Buildings,

Respondent.

At an IAS, Part 5, Room 280, of
the Supreme Court of the State of
New York, held in and for the
County of New York, located at 80
Centre Street, New York, New York,
on the 4th day of February 2011.

RTJ 1554
BARBARA JAFFE
J.S.C. J.S.C.

101322
Index No. 701323 /2011

ORDER TO SHOW CAUSE

[Article 78 Review of Revocation
of Hoisting Machine Operator
Class C License]

Oral Argument Requested

Upon the annexed Verified Petition, sworn to February 2, 2011 and exhibits thereto, and
the Memorandum of Law in Support of Petition, dated February 2, 2011,

IT IS HEREBY ORDERED that Respondent, or counsel, shall appear before the Court,
IAS Part 5 (Room 280) at the Courthouse thereof, located at 80 Centre Street, New York,
New York, on the 29th day of March, 2011, at 9:30 a.m., and show cause why an Order and
Judgment should not be made and entered in this matter pursuant to Article 78 of the Civil
Practice Law and Rules:

VACATING and setting aside Respondent's determination of January 5, 2011 revoking
Petitioner's Hoisting Machine Operator Class C License;

DIRECTING Respondent to adopt the Report and Recommendation of the Office of
Hearing and Administrative Trials and Hearings, by Administrative Law Judge Kevin F. Casey,
in the matter of Dep't of Buildings v. Panessa, OATH Index No. 2759/10 (Dec. 17, 2010);

AWARDING costs and attorneys fees associated with this Petition, and

GRANTING such other and further relief as this Court deems just and proper.

The above entitled action is a CPLR Article 78 Petition in the nature of mandamus to review Respondent's determination to revoke Petitioner's Hoisting Machine Operator Class C License, despite the Report and Recommendation of Administrative Law Judge Kevin F. Casey in the matter Dep't of Buildings v. Panessa, OATH Index No. 2759/10 (Dec. 17, 2010), and

SUFFICIENT CAUSE THEREFORE BEING ALLEGED, let service of a copy of this Order to Show Cause together with the documents in support thereof pursuant to CPLR §2103(b)(1) [personal delivery]; CPLR § 2103(b)(2) [mailing]; CPLR §2103(b)(3) [office delivery]; or CPLR §2103(b)(6) [overnight delivery] upon Corporation Counsel of the City of New York, made on or before the 14th day of February, 2011, be deemed good and sufficient service on Respondent. *Answer By February 22, 2011, (to be served also on the Court).*

ENTER


BARBARA JAFFE
J.S.C.

FEB 04 2011

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~~RECEIVED~~

CYNTHIA S. KERN

PRESENT: _____ J.S.C., J.S.C.

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WILLIAM DUFFY,

FEB 02 2011

-against- NEW YORK
COUNTY CLERK'S OFFICE

ROBERT D. LIMANDRI as the Commissioner of
the New York City Department of Buildings,

Respondent.

At an IAS, Part 52, Room 328, of
the Supreme Court of the State of
New York, held in and for the
County of New York, located at 80
Centre Street, New York, New York,
on the 4 day of ~~January~~ February, 2011.

February

2011-003555

Index No. 10/323/2011

ORDER TO SHOW CAUSE

[Article 78 Review of Revocation
of Hoisting Machine Operator
Class A License]

Oral Argument Requested

Upon the annexed Verified Petition, sworn to February 2, 2011 and exhibits thereto, and
the Memorandum of Law in Support of Petition, dated February 2, 2011,

IT IS HEREBY ORDERED that Respondent, or counsel, shall appear before the Court,
IAS Part 52 (Room 328) at the Courthouse thereof, located at 80 Centre Street, New York,
New York, on the 4th day of ~~February~~ March, 2011, at 9:30 a.m., and show cause why an Order and
Judgment should not be made and entered in this matter pursuant to Article 78 of the Civil
Practice Law and Rules:

VACATING and setting aside Respondent's determination of December 29, 2010
revoking Petitioner's Hoisting Machine Operator Class A License;

DIRECTING Respondent to adopt the Report and Recommendation of the Office of
Hearing and Administrative Trials and Hearings, by Administrative Law Judge Tynia D.
Richard, in the matter of Dep't of Buildings v. Duffy, OATH Index No. 2758/10 (Dec. 16,
2010);

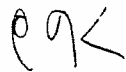
AWARDING costs and attorneys fees associated with this Petition, and

GRANTING such other and further relief as this Court deems just and proper.

The above entitled action is a CPLR Article 78 Petition in the nature of mandamus to review Respondent's determination to revoke Petitioner's Hoisting Machine Operator Class A License, despite the Report and Recommendation of Administrative Law Judge Tynia D. Richard, in the matter of Dep't of Buildings v. Duffy, OATH Index No. 2758/10 (Dec. 16, 2010), and

SUFFICIENT CAUSE THEREFORE BEING ALLEGED, let service of a copy of this Order to Show Cause together with the documents in support thereof pursuant to CPLR §2103(b)(1) [personal delivery]; ~~CPLR § 2103(b)(2) [mailing]; CPLR §2103(b)(3) [office delivery];~~ ~~or CPLR §2103(b)(6) [overnight delivery]~~ upon Corporation Counsel of the City of New York, made on or before the ^{8th} day of February, 2011, be deemed good and sufficient service on Respondent.

ENTER



CYNTHIA S. KERN
J.S.C.

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FEB 02 2011

At an IAS, Part 46, Room 204 of
the Supreme Court of the State of
New York, held in and for the
County of New York, located at 60 71
Thomas Centre Street, New York, New York,
on the 4th day of January, 2011.
Febr

PRESENT: NEW YORK, J.S.C.
COUNTY CLERK'S OFFICE

JAMES MASCARELLA,

Petitioner,

Index No. 10/324/2011

-against-

ROBERT D. LIMANDRI as the Commissioner of
the New York City Department of Buildings,

Respondent.

ORDER TO SHOW CAUSE

[Article 78 Review of Revocation
of Hoisting Machine Operator
Class B Unlimited License]

Oral Argument Requested

Upon the annexed Verified Petition, sworn to January 7
February 2, 2011, and exhibits thereto, and
the Memorandum of Law in Support of Petition, dated February 2, 2011,

IT IS HEREBY ORDERED that Respondent, or counsel, shall appear before the Court,
IAS Part 46 (Room 204) at the Courthouse thereof, located at 60 71 Thomas
Centre Street, New York,
New York, on the 23rd day of March February, 2011, at 9:30 a.m., and show cause why an Order and
Judgment should not be made and entered in this matter pursuant to Article 78 of the Civil
Practice Law and Rules:

VACATING and setting aside Respondent's determination of January 5, 2011, revoking
Petitioner's Hoisting Machine Operator Class A License;

DIRECTING Respondent to adopt the Report and Recommendation of the Office of
Hearing and Administrative Trials and Hearings, by Administrative Law Judge Kevin F. Casey,
in the matter of Dep't of Buildings v. Mascarella, OATH Index No. 2757/10 (Dec. 22, 2010);

AWARDING costs and attorneys fees associated with this Petition, and

GRANTING such other and further relief as this Court deems just and proper.

The above entitled action is a CPLR Article 78 Petition in the nature of mandamus to review Respondent's determination to revoke Petitioner's Hoisting Machine Operator Class C License, despite the Report and Recommendation of Administrative Law Judge Kevin F. Casey in the matter Dep't of Buildings v. Mascarella, OATH Index No. 2757/10 (Dec. 22, 2010), and

SUFFICIENT CAUSE THEREFORE ^{personal} ~~BEING ALLEGED~~, let service of a copy of this Order to Show Cause together with the documents in support thereof pursuant to ~~CPLR §2103(b)(1) [personal delivery]; CPLR § 2103(b)(2) [mailing]; CPLR §2103(b)(3) [office delivery]; or CPLR §2103(b)(6) [overnight delivery]~~ ^{respondent and} upon Corporation Counsel of the City of New York, made on or before the 18th day of February, 2011, be deemed good and sufficient service on Respondent.

ENTER

Oral Argument
Directed LB

JSC

Lucy Billings

J. S. C.

LUCY BILLINGS
J.S.C.